

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jaquell Antonio McCullum,)	C/A No.: 1:13-6-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Florence County Detention Center; Nurse)	
Nancy Truluck; Sgt. Wesley Ingram,)	
)	
Defendants.)	
)	

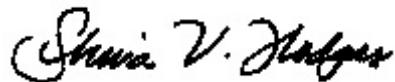
This matter comes before the court on Defendants' motion to amend their answer.

[Entry #26]. Defendants seek to add an affirmative defense for insufficiency of service of process pursuant to Fed. R. Civ. P. 4 on behalf of defendant Sgt. Wesley Ingram.

In light of the early procedural history of this case, counsel for Ingram is directed to indicate to the court by July 1, 2013, by a filing on the docket, whether she can accept service of process on behalf of Ingram or whether Ingram will waive service. If Ingram accepts or waives service, this case will proceed on the merits. If Ingram does not accept or waive service, the court will determine whether he can meet the burden of proof in showing that he was not properly served in this matter. In the event that the court determines Ingram has not been properly served, the court will order the United States Marshal Service to attempt personal service on Ingram again. If necessary, the undersigned will grant Plaintiff additional time to serve Ingram and permit discovery to determine Ingram's correct address for service.

Because Defendants' motion to amend [Entry #26] may be rendered moot if Ingram agrees to accept or waive service, the court will refrain from ruling on the motion until Ingram responds to this order.

IT IS SO ORDERED.



June 17, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge